

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARK DANIEL ROLLINS,
Plaintiff,

v.

PIERCE COUNTY CORRECTIONAL
FACILITY, CORRECTIONAL OFFICER
PAPP, SGT. HARDGROVE, and
CORRECTIONAL OFFICER SHAVIRI,
Defendants.

Case No. C10-5438RBL

ORDER ADOPTING REPORT AND
RECOMMENDATION

THIS MATTER comes on before the above-entitled Court upon the Report and Recommendation of Chief Magistrate Judge Karen L. Strombom [Dkt. #26]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

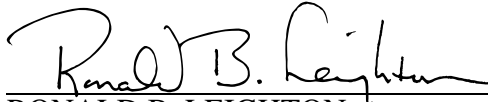
The docket reflects that on November 8, 2010 the Report and Recommendation was mailed to plaintiff at his last known address on file, the Pierce County Jail. The mailing was returned indicating that the plaintiff was no longer an inmate at that facility. The Clerk's Office determined that plaintiff had been moved to the Washington Corrections Center at Shelton and on November 10, 2010 resent the Report and Recommendation to the plaintiff at his new address. It has not been returned. Therefore, the docket reflects that plaintiff has been given notice and the ability to object to the Report and Recommendation.

It is therefore **ORDERED**:

- 1) The Court adopts the Report and Recommendation.

- 2) Defendants' motion to dismiss [Dkt. #19] is **GRANTED** as to Defendant Pierce County Correctional Facility.
- 3) Defendants' motion to dismiss [Dkt. #19] is **DENIED** as to Plaintiff's claims against Defendants Hardgrove and Shaviri. Plaintiff may amend his complaint to include allegations relating to these Defendants only.¹ Plaintiff shall file his amended complaint **on or before December 26, 2010.**
- 4) All discovery in this matter is **STAYED** pending further order of the Court.
- 5) This matter is **re-referred** to the Honorable Karen L. Strombom, United States Magistrate Judge.
- 6) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendant and to the Hon. Karen L. Strombom.

Dated this 26th day of November, 2010.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

¹Plaintiff's allegations against Defendant Papp are not affected by this Order.